



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,054	06/24/2004	Migaku Suzuki	930055-2029	9171

7590 10/09/2009
Ronald R Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
----------	--------------

3761

MAIL DATE	DELIVERY MODE
-----------	---------------

10/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,054	Applicant(s) SUZUKI ET AL.	
	Examiner Lynne Anderson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 July 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 29 July 2009 have been fully considered but they are not persuasive.

3. In response to the applicant's argument that the claimed trap portion is always maintained as a trap portion regardless of the wearing state of the product, it is noted that the trap portion of the absorbent product of Wada is designed to create a pouch for trapping urine while the product is being worn, and therefore is maintained as a trap portion.

4. In response to the applicant's argument that Wada fails to disclose an absorptive product which comprises a trap portion, it is noted that Wada discloses a bag which includes an absorbent body and an open space for trapping urine, and therefore comprises an absorbent body and a trap portion as claimed.

5. In response to the applicant's argument that Wada fails to disclose a trap portion defined by a backup sheet or a trap sheet, it is noted that the trap portion of Wada is

Art Unit: 3761

enclosed or defined by sheet 2, as shown in figure 3, which therefore functions as a backup or trap sheet.

6. In response to the applicant's argument that the trap portion of Wada is defined by the base sheet and absorbent panel, it is noted that the present claims disclose the trap portion as being defined by at least a backup or trap sheet, and therefore it is within the scope of the present claims for the trap portion to also be defined by additional elements of the absorbent product.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 1-17, 20-22, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wada et al. (6,416,500).

9. Wada discloses an absorptive product comprising an absorptive body 3b, as shown in figure 1, and a liquid impermeable trap portion S. The absorptive body 3b overlaps the trap portion, as shown in figure 1. The trap portion S is defined by at least a backup sheet 2. A cross-section of the trap portion S comprises the absorbent body 3b, as shown in figure 3.

10. With respect to claim 2, the trap portion S is formed of a liquid impermeable sheet, as disclosed in column 3, lines 24-25, which overlaps the absorptive body 3b, as shown in figure 1.

Art Unit: 3761

11. With respect to claim 3, the trap portion comprises two layers 2, as shown in figure 3, which are a backup sheet and an impermeable trap sheet, and further comprises an opening 4.
12. With respect to claims 4 and 5, the opening 4 extends in both the longitudinal and width directions of the absorptive body 3b, as shown in figure 8.
13. With respect to claim 6, the absorptive body 3b is located on either side of the opening 4, as shown in figure 1, and therefore straddles the opening.
14. With respect to claim 7, the absorptive body 3b has a continuous aperture 11, as shown in figure 5.
15. With respect to claim 8, the sheet 2 has a pair of flaps f3 and f4, as shown in figure 3, which form the trap portion.
16. With respect to claim 9, the trap portion is made up of sheets 2, is positioned on both of the width-directional sides of the absorptive body 3b, as shown in figure 3.
17. With respect to claim 10, a guiding member 9 provides a groove for guiding liquid to the absorptive body 3b, as shown in figure 3.
18. With respect to claim 11, the trap portion is formed from a liquid impermeable sheet 2, as disclosed in column 3, lines 24-25, and has a penis-guiding section 4.
19. With respect to claim 12-14 and 21, the trap portion comprises two layers 2, as shown in figure 3, which form an inner bag and an outer bag. The inner bag 2 has a folded portion 6 that can evaginate, as shown in figure 3.
20. With respect to claim 15, dislocation members 17 prevent the absorptive body 3b from dislocating, as shown in figure 3.

Art Unit: 3761

21. With respect to claim 16, a pair of elastic members 15 and 8 are provided in the right and left side edges of the sheet 2, as shown in figure 1.

22. With respect to claim 17, the absorptive body 3b has a non-woven substrate 3a and comprises multiple liquid-absorbing portions, as shown in figure 3.

23. With respect to claims 20 and 22, the methods disclosed merely claim the formation of the claimed invention. Therefore, the formation of the finished products disclosed by Wada fulfill the limitations of the claims.

24. With respect to claim 36, the pocket is formed of the backup and trap sheets 2 and a seal therebetween, as shown in figure 3.

Claim Rejections - 35 USC § 103

25. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

26. Claims 18-19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Kolb (4,415,643).

27. Wada discloses all aspects of the claimed invention with the exception of the absorbent body comprising 50-95% superabsorbent and having a hydrodisintegrative characteristic. Kolb teaches an absorbent body for an absorbent article comprising at least 50% superabsorbent, as disclosed in column 2, lines 40-41, which allows the absorbent body to disintegrate in water so it may be flushed, as disclosed in column 1, lines 47-58. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent article of Wada with the absorbent body of Kolb to allow the article to be flushable.

Art Unit: 3761

28. Claims 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Cohen (5,649,913).

29. Wada discloses all aspects of the claimed invention with the exception of underpants to which the absorptive product is attached. Wada shows, in figure 6, the use of the absorptive product on a user wearing a garment. Cohen teaches the use of underpants to hold an absorptive product, as shown in figure 1. The underpants are provided with a fitting section for attachment of the absorptive product, and the opening of the absorptive product faces the inside of the underpants, as shown in figure 1. Use of the absorptive product with underpants allows the absorptive product to be securely held in place while it is worn. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorptive product of Wada in combination with the underpants of Cohen to allow allows the absorptive product to be securely held in place while it is worn.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,886,509 discloses an absorptive product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Anderson whose telephone number is (571)272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone

Art Unit: 3761

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. A./

Examiner, Art Unit 3761

/Tatyana Zalukaeva/

Supervisory Patent Examiner, Art Unit 3761